

State Intellectual Property Office of People's Republic of China

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Applicant(s)	Nitto Denko Corporation	Issuing Date: June 4, 2004
Patent Agent(s)	Huimin WANG	
Application No.	02103074.X	
Title of Invention	偏振光薄膜及其制造方法、光学薄膜及图象显示装置	

THE FIRST OFFICE ACTION

1. ☒ The applicant has filed a request for substantive examination on _____ (day/month/year). The examiner has proceeded the substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(1) of the Chinese Patent Law.
- ☐ The Patent Office has decided to proceed a substantive examination on the above mentioned patent application for invention in accordance with the provisions of Article 35(2) of the Chinese Patent Law.
2. ☒ The applicant claimed:
- the filing date 2001.4.6 in the Japan Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date,
- the filing date _____ in the _____ Patent Office as the priority date.
- ☒ The applicant has provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed.
- ☐ The applicant has not provided a copy of the priority documents certified by the Patent Office where the prior application(s) was/were filed and the priority claim(s) is/are deemed not to have been made in accordance with the provisions of Article 30 of the Chinese Patent Law.
3. ☐ The applicant submitted amendment (s) to the application on _____ and on _____, wherein.
- the amendment (s) submitted on _____ and
- on _____ are unacceptable,
- because said amendment(s) is/are not in conformity with
- ☐ the provisions of Article 33 of the Chinese Patent Law:
- ☐ the provisions of Rule 51 of the Implementing Regulations of the Chinese Patent Law.
- The detailed reasons for the amendments being unacceptable is described in the text of this Office Action.
4. ☒ The examination is proceeded based on the application documents originally filed.
- ☐ Description:
- Pages _____ of original application documents filed don the application date,
- Pages _____ filed on; Pages _____ filed on;
- Pages _____ filed on; Pages _____ filed on;

☐ Claims:

Pages _____ of original application documents filed don the application date,

Pages _____ filed on; Pages _____ filed on;

Pages _____ filed on; Pages _____ filed on;

☐ Drawings:

Pages _____ of original application documents filed don the application date,

Pages _____ filed on; Pages _____ filed on;

Pages _____ filed on; Pages _____ filed on;

☐ Abstract: ☐ Filed on the application date; ☐ filed on _____

☐ Drawing to the Abstract: ☐ Filed on the application date; ☐ filed on _____

5. ☐ This Notification is issued without a search having been conducted.

☒ This Notification is issued with a search having been conducted.

☒ The following reference documents have been cited in this office action(their serial numbers will be referred to in the ensuing examination procedure):

Serial No.	Reference document(Number or Title)	Publication Date (or Filing date of interference patent applications)
1	JP 平 2-191902A	27day 07 month 1990 year
2		day month year
3		day month year
4		day month year

6. The conclusive opinion of the examiner is as follows:

☐ Description:

☐ The subject matter of the application falls into the scope, on which no patent right shall be granted, defined by Article 5 of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Article 26(3) of the Chinese Patent Law.

☐ The description is not in conformity with the provisions of Rule 18 of the Implementing Regulations of the Chinese Patent Law.

☒ Claims:

☐ Claim _____ falls into the scope, on which no granted patent right shall be granted, provided by Article 25 of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the definition of invention prescribed by Rule 2(1) of the Implementing Regulations of the Chinese Patent Law.

☐ Claim _____ does not possess novelty provided by Article 22(2) of the Chinese Patent Law.

☒ Claim 1,2,7-9 does not possess inventiveness provided by Article 22(3) of the Chinese Patent Law.

☐ Claim _____ does not possess practical applicability provided by Article 22(4) of the

Chinese Patent Law.

☒ Claim 6 is not in conformity with the provisions of Article 26(4) of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the provisions of Article 31(1) of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the provisions of Rule 20 to 23 of the Implementing Regulations of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the provisions of Article 9 of the Chinese Patent Law.

☐ Claim _____ is not in conformity with the provisions of Rule 12(1) of the Implementing Regulations of the Chinese Patent Law.

The detailed analysis for above conclusive opinion is described in the text of this office action.

7. On the basis of the above conclusive opinion, the examiner holds that:

☐ The applicant should make amendment in accordance with the requirements described in the text of this office action.

☒ The applicant should expound reasons for that the above mentioned patent application can be granted patent right, and make amendments to the specification which is not in conformity with the provisions as described in the text of this office action; otherwise the patent right shall not be granted.

☐ The patent application does not possess any substantive contents for which patent right may be granted, if the applicant fails to expound reasons or the reasons expounded are not sufficient, this application will be rejected.

☐

8. The applicant shall pay attention to the following matters:

(1) In accordance with the provisions of Article 37 of the Chinese Patent Law, the applicant shall submit a response within four months from the date of receiving this office action. If the applicant fails to meet the time limit without any justified reason, the application shall be deemed to have been withdrawn.

(2) The amendment made by the applicant shall be in conformity with the provisions of Article 33 of the Chinese Patent Law. The amendment shall be submitted in duplicate copies and in a format which is in accordance with the relevant provisions of the Examination Manual.

(3) The applicant's response and/or amended documents shall be mailed or submitted to the Receiving Department of the Chinese Patent Office. The documents which are not mailed or submitted to the Receiving Department do not possess legal effect.

(4) The applicant and/or his(its) agent shall not come to the Chinese Patent Office to interview with the examiner without an appointment.

9. The text of this office action consists of a total of 2 sheets, and is accompanied by the following annexes:



☒ A copy of the cited reference documents consisting of 1 sets and 3 sheets.

☐ The _____ Examination Department

The Seal of the Examiner: Xingzhou YU



中华人民共和国国家知识产权局

邮政编码: 100083 北京市海淀区王庄路 1 号清华同方科技大厦 B 座 15 层 中科专利商标代理有限责任公司 汪惠民		发文日期 
申请号: 02103074X		
申请人: 日东电工株式会社		
发明创造名称: 偏振光薄膜及其制造方法、光学薄膜及图象显示装置		

第一次审查意见通知书

- ☒ 应申请人提出的实审请求, 根据专利法第 35 条第 1 款的规定, 国家知识产权局对上述发明专利申请进行实质审查。
☐ 根据专利法第 35 条第 2 款的规定, 国家知识产权局决定自行对上述发明专利申请进行审查。
- ☒ 申请人要求以其在:
JP 专利局的申请日 2001 年 04 月 06 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日,
专利局的申请日 年 月 日为优先权日。
☒ 申请人已经提交了经原申请国受理机关证明的第一次提出的在先申请文件的副本。
☐ 申请人尚未提交经原申请国受理机关证明的第一次提出的在先申请文件的副本, 根据专利法第 30 条的规定视为未提出优先权要求。
- ☐ 经审查, 申请人于:
年 月 日提交的 不符合实施细则第 51 条的规定;
年 月 日提交的 不符合专利法第 33 条的规定;
年 月 日提交的
- 审查针对的申请文件:
☒ 原始申请文件。 ☐ 审查是针对下述申请文件的
申请日提交的原始申请文件的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的权利要求第 项、说明书第 页、附图第 页;
年 月 日提交的说明书摘要, 年 月 日提交的摘要附图。
- ☐ 本通知书是在未进行检索的情况下作出的。
☒ 本通知书是在进行了检索的情况下作出的。
☒ 本通知书引用下述对比文献(其编号在今后的审查过程中继续沿用):
编号 文件号或名称 公开日期(或抵触申请的申请日)
1 JP 平 2-191902A 1990-07-27
- 审查的结论性意见:
☐ 关于说明书:
☐ 申请的内容属于专利法第 5 条规定的不授予专利权的范围。
☐ 说明书不符合专利法第 26 条第 3 款的规定。



第一次审查意见通知书正文

申请号：02103074X

本申请涉及一种偏振光薄膜的制造方法，得到的偏振光薄膜单独或叠层作为光学薄膜，形成液晶显示装置、有机EL显示装置、PDP等图像显示装置。经审查，现提出如下的审查意见。

1. 权利要求1所要求保护的技术方案不具备专利法第二十二条第三款规定的创造性。该权利要求1请求保护的客体是一种有关加热压接技术在偏振光薄膜的制造方法上的应用。从对比文件1（参见说明书第5页到第6页和附图1）可以看出，这种加热压接技术已在滤色膜的生产上得到应用。偏振光薄膜的制造方法和滤色膜的生产属于相近的技术领域，因而申请人把这种已有技术应用于相近的技术领域只是一种简单的转用，是该领域的普通技术人员容易想到的。因此，权利要求1所要求保护的技术方案不具备突出的实质性特点和显著的进步，因而不具备创造性。

2. 权利要求2是权利要求1的从属权利要求，其限定部分的附加技术特征为在保护膜的一侧实行加热处理，但这些特征是所述技术领域中的公知常识，本领域的技术人员根据实际需要选择单侧和双侧加热是容易想到的，因此这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求1不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

3. 权利要求7所要求保护的技术方案不具备专利法第二十二条第三款规定的创造性。该权利要求7请求保护的客体是一种按照独立权利要求1加热压接技术生产的偏振光薄膜。从对比文件1（参见说明书第5页到第6页和附图1）可以看出，这种加热压接技术已在滤色膜的生产上得到应用。偏振光薄膜的制造方法和滤色膜的生产属于相近的技术领域，因而申请人把这种已有技术应用于相近的技术领域只是一种简单的转用，是该领域的普通技术人员容易想到的。因此在加热压接生产工艺没有创造性的前提下，权利要求7所要求保护的技术方案不具备突出的实质性特点和显著的进步，因而不具备创造性。

4. 权利要求8是权利要求7的从属权利要求，其限定部分的附加技术特征为偏振光薄膜

是至少一枚偏振光薄膜叠层而成的光学薄膜，但这些特征是所述技术领域中的公知常识，在加热压接技术生产偏振光薄膜无创造性的前提下，本领域的技术人员很容易根据需要进行选择偏振光薄膜的层数，因此这些公知常识的使用对本领域的技术人员来说是显而易见的，在其引用的权利要求7不具备创造性的情况下，该从属权利要求也不具备专利法第二十二条第三款规定的创造性。

5. 权利要求9所要求保护的技术方案不具备专利法第二十二条第三款规定的创造性。该权利要求要求保护的实质上是材料偏振光薄膜在图像显示装置上的一种应用，但材料属于公知材料，该权利要求所要求保护的上述应用只是使用了这种已知材料的公知性质“改变偏振光的状态”。使用已知材料的公知性质对所属技术领域的技术人员来说是显而易见的，因此在加热压接生产偏振光薄膜的技术无创造性的前提下，该权利要求所要求保护的技术方案不具备突出的实质性特点和显著的进步，因而不具备创造性。

6. 权利要求6中记载的特征“在加热压接、加热处理的同时实施加压处理”与说明书实施例中的相应描述不一致，因为加热和压接是两个不同的工艺手段，实施例中描述的是加热后压接或者加热压接同时进行，并无加热压接的同时加压处理，出现了两次加压。因此该权利要求没有以说明书为依据，不符合专利法第二十六条第四款的规定。申请人应当对该权利要求或者说明书中的有关内容进行修改。建议申请人将其特征改为“先加热后压接，或者加热压接同时进行”，以获得说明书的形式和实质的支持。

申请人应在本通知书指定的答复期限内作出答复，对本通知书中提出的所有问题逐一详细地作出说明，并根据本通知书的意见对专利申请文件作出修改，尤其是应根据本通知书中引用的对比文件修改独立权利要求以及相应的从属权利要求，并在意见陈述书中论述新修改的独立权利要求相对于本通知书中引用的对比文件以及原说明书中提到的申请日前的现有技术具有新颖性和创造性的理由。此外，说明书应根据修改后的权利要求书作适应性修改。申请人对申请文件的修改应当符合专利法第三十三条的规定，不得超出原说明书和权利要求书的记载范围。

审查员：于行洲

代码：9553